

## MEMORANDUM

**TO:** Joseph Guarnaccia, PhD, BASF

**FROM:** Rick Kowalski, CPG, LSP; Steve Graham, PE, LSP, AEI Consultants

**SUBJECT:** BASF, 180 Mill Street, Cranston, RI Lot 1102  
Minutes of September 19, 2017 Meeting with RIDEM

**AEI PROJECT:** 363655

**PARTICIPANTS:** Ron Gagnon, RIDEM OCTA; Jeff Crawford, RIDEM Office of Waste Management; Chuck Horbert, RIDEM Freshwater Wetlands; Steve Cadorette, Kevin Nagle, Gordon R. Archibald Engineers; Joe Guarnaccia, BASF; Rick Kowalski, Steve Graham, AEI Consultants

**DATE:** October 12, 2017

The following is a summary of the discussions with meeting participants concerning the State of Rhode Island Department of Environmental Management (RIDEM) wetlands regulatory program and its requirements affecting planned remedial activities on the 3.25 acres of the Lot 1102 portion of the subject Site. These remedial activities were presented in a Remedial Design issued to the US EPA and RIDEM on September 8, 2017. The sign-in list of participants at RIDEM offices is attached; Joe Guarnaccia and Rick Kowalski participated via conference call.

### 1. RIDEM Wetlands Permitting Process and Requirements

Chuck explained the Wetlands program and regulatory requirements affecting the Site; no exemption from these regulations is possible. The key issue in the Design which makes it subject to this program, is the proposed two-foot soil cap, underlain by permeable geotextile, throughout the approximately 1.25 acre Zone AE. This two-foot cap addresses EPA's TSCA Region I cap thickness requirements to eliminate direct contact with PCBs which will remain at concentrations in at-grade soil and lower, of up to 25 ppm. Approximately 1 acre of the Floodway Zone is also to be remediated as needed to achieve a 1 ppm PCB goal, and restored after clean backfilling with natural fiber mats impregnated with appropriate wetland plant species.

Chuck has known cases where even one (1) inch above the existing floodplain in height increase have not been approved to proceed by his agency. Kevin described how the proposed two-foot cap is being modeled as to its potential effect on future flooding events throughout the entire Pawtuxet River watershed, using a Federal Emergency Management Agency (FEMA) hydraulic modelling program, to meet parallel FEMA requirements because the two-foot cap is 12 inches above their allowed height without a revision to its flood maps. Kevin does not expect any significant increase in flood height. FEMA has shared with GRA its local hydraulic field and other measurements taken at the site and the railroad bridge adjacent, plus other immediate environs. These measurements are



being entered into the hydraulic model for issue to FEMA by October 12, with a request to issue a Revision to their flood plain maps.

Chuck stated that no exemption is possible, because an exact amount of physical compensation, ie., removal of an equivalent volume of soil from the same elevation in another location within the floodplain, is not proposed in the Design. Therefore, the options open to BASF are as follows:

- Submit a Request for Preliminary Determination (RPD), accompanied by the FEMA hydraulic model results, which should demonstrate that "negligible impact" would occur ("negligible" is a site-specific DEM determination based on a DEM review of the completed analysis); this situation is considered an Insignificant Alteration. The Request (Application) needs to demonstrate the necessity of the proposed cap, ie EPA requirements. No public meeting is required, yet the City of Cranston planner must be a participant in the Application. If a RIDEM determines that a Significant Alteration does exist, the permit process identified below would need to be entered into. RIDEM Wetlands review can take up to 40 days to render an opinion on the RPD; or
- If a 'negligible impact' cannot be shown, submit a Significant Alteration Permit Application (SAPA), which requires extensive documentation on the proposed alteration, project details, requires a public meeting and takes 8-10 months. In the event that a Significant Alteration is determined to occur, BASF would need to get permission notarized for each homeowner or business affected by the increase in flood height. Note that the 40-day process for RPD will also need to be repeated, if a SAPA has not been requested as the first step.

In conducting its review, the two primary factors considered by RIDEM are impacts to non-BASF structures and the post-remediation Site conditions. The proposed restoration of native plant species on the Site will be considered a positive improvement by RIDEM. Storm water concerns relative to river water quality will not be considered in this evaluation.

## **2. Status of RIDEM Review of Remedial Design**

A brief discussion on the status of RIDEM OWM review of the Remedial Design ensued; Jeff stated that he had a few comments, but it is primarily up to EPA to render its opinion/approval, since the required design elements and regulatory program result from federal RCRA requirements.

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF TECHNICAL & CUSTOMER ASSISTANCE  
MEETING SIGN IN SHEET

Site Person: FORMER CIBA-GEIGY, CRANSTON  
Site Address:  
Meeting Date: 9/19/2017

<u>Name</u>	<u>Affiliation/Office and/or Program</u>	<u>Phone No.</u>	<u>E-mail</u>
RON GAGNON	RIDEM / OCTA	X 7500	ron.gagnon@dem.ri.gov
JEFF CRAWFORD	RIDEM / OWM	X 7102	Jeff.crawford@dem.ri.gov
CHUCK HERBERT	RIDEM / Freshwater Wetlands	X 7402	chuck.herbert@dem.ri.gov
Steve Cadorette	GRA	401-726-4064	scadorette@comcast.net
KEVIN NAGLE	GRA	"	knagle@graeug.com
STEW G. GRAHAM	AETI	617 921 0437	SGRAHAM@AETCONSULTANTS.COM
RICHARD KOWALSKI	AETI (PHONE)		